

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ORACLE AMERICA, INC.,

No. C 10-03561 WHA

Plaintiff,

v.

GOOGLE INC.,

**FOLLOW-UP ORDER  
ON COMMENTS ON  
TENTATIVE TRIAL PLAN**

Defendant.

1. With regard to the timing of motions *in limine*, please use the thirty-five day schedule. Reply briefs will be allowed, but limited to five pages (no exhibits or declarations).
2. No précis is required for the six motions *in limine*, but the Court reserves the discretion to postpone ruling on any premature motions.
3. Both sides may have one motion *in limine* that exceeds the ten-page limit, but the extra pages must come out of the overall fifty-page limit. If a motion *in limine* is directed at an expert report, then the entire expert report with exhibits must be submitted and none of these pages will count against the one-hundred-page limit for supporting material.
4. By **TUESDAY, FEBRUARY 23 AT NOON**, each side shall submit to the other a list of twenty-five exhibits admitted in evidence at the 2012 trial that the submitting party wishes to have admitted without objection in the upcoming trial. Within **ONE WEEK** thereafter, both sides shall meet in person (not by email or telephone) and agree upon the extent to which the twenty-five exhibits proposed by each side may be admitted

1 without restriction and submit a proposed stipulation. The Court has a hard time  
2 believing that more than twenty-five exhibits per side are worth troubling over.

3 5. Marshmallow shall be added to the named versions of Android to be in play at the trial.


4 6. We will continue to bifurcate the trial. The Court will consider reallocating the twelve  
5 and seven hour time limits at the final pretrial conference.

6 7. Oracle is incorrect in stating that in the damages stage only the parties' damages experts  
7 will be presented. Percipient testimony and exhibits may also be presented. Dr. Kearl  
8 may also testify (although this decision will be made closer to the actual event).

9 8. The Court agrees that the equitable defenses phase should also include consideration of  
10 Oracle's equitable remedies, including its request for an injunction.

11  
12 **IT IS SO ORDERED.**

13  
14 Dated: February 16, 2016.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE